

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION**

**CRIMINAL MINUTES – JURY TRIAL  
Day 8**

**Case No.: 4:18CR00011**

**Date: 10/16/2019**

**Defendant:**

4:18-cr-00011-MFU-RSB-1 Marcus Jay Davis  
4:18-cr-00011-MFU-RSB-2 Kevin Lamont Trent, Jr.  
4:18-cr-00011-MFU-RSB-3 Kanas Lamont'e Trent  
4:18-cr-00011-MFU-RSB-4 Deshaun Lamar Trent  
4:18-cr-00011-MFU-RSB-5 Phillip Daekwon Miles  
4:18-cr-00011-MFU-RSB-6 Shabba Larun Chandler  
4:18-cr-00011-MFU-RSB-8 Ashley Tiana Ross  
(bond)  
4:18-cr-00011-MFU-RSB-10 Tenikqua Fuller (bond)

**Counsel:**

Tony Anderson, Bev Davis  
Aaron Cook, Jimmy Turk  
Bonnie Lepold, Mike Hemenway  
Chris Kowalczyk, Patrick Kenney  
Tyson Daniel, Cary Bowen  
Aaron Houchens, Jeff Dorsey  
Terry Grimes  
  
Corey Diviney

PRESENT:	JUDGE:	Michael F. Urbanski, CUSDJ
	TIME IN COURT:	9:28-11:09; 11:29-12:49; 1:06-1:17; 2:19-2:54; 3:27- 3:48 4h 8m
	Deputy Clerk:	Kristin Ayersman
	Court Reporter:	Judy Webb
	U. S. Attorney:	Heather Carlton, Ron Huber, Michael Newman
	USPO:	Kim Falatic
	Case Agent:	Devin Taylor, FBI TFO Pittsylvania County
	Interpreter:	none

**LIST OF WITNESSES**

GOVERNMENT	DEFENDANT
1.	1.

**PROCEEDINGS:**

☐ United States of America or Defendant makes oral Motion to Exclude Witnesses from Courtroom. Court grants motion.

☒ Opening Statements by counsel. Obj to evidence being used in opening by US from Dft 8 – overruled. Recess 11:09 Reconvene 11:29. Dft 1 opening statement. Dft 2 opening statement. Dft 3 opening statement. Dft 4 declines opening statement. Dft 5 opening statement. Dft 6 decline opening statement. Dft 8 opening statement. Recess 12:49 Reconvene 1:06 Dft 8 opening continued. Dft 10 declines opening statement. Court recesses for lunch until 2:15pm. Jury recesses 1:12 Recess 1:17 Reconvene 2:19 Dft 6 raises issue from this morning, re potential other state GJ testimony. Discussion. Court asks US to respond re existence of other evidence that was presented to multi-jurisdictional GJ re 418cr11 and 418cr12 – no, there is none. Court asks about state GJ testimony related in any way to charges in this case or 418cr12 that has not been turned over – no, there is none. US states it turned over the fed GJ transcripts over a year ago related to the state GJ testimony, that were more fulsome in detail. Court asks if there is any other state GJ testimony that bears on either case that has not been produced, related to actions in this case/indictment – US states no, Commonwealth Atty affirms, states tapes still available, transcripts may or may not be available. US states that there could have been other occasions, on unrelated issues, that exist. Further discussion. Mr. Newman states this was not a special grand jury which is different from a multi-jurisdictional grand jury and did not create a report. Court asks US about testimony regarding shooting sprees related to this case and any GJ information not produced. US asks to stop for day to research answer for information requested by the court. Recess 2:54 Reconvene 3:27 US states proposal it gave to defense – asks that court dismiss the jurors for today and contact them with return date, and asks that parties reconvene with court 10/17 at 2pm for discussion. Court provides case cite for parties. Court agrees to see parties tomorrow for a status hearing at 2pm, and will tell jury to return on Monday, 10/21. Dft 4 responds, notes separate statute re multi-jurisdictional GJ's. Court addresses parties – all defendants agree to that plan. Court will excuse Ms. Fuller and Ms. Ross from attending status hearing, but can attend if so want to. Jury returns to courtroom 3:40 Court gives a brief continuance of the case, dismisses jury until Monday, Oct 21 at 9:30am and admonishes them re research, communication, internet, etc. Jury excused 3:47 Status hrg 10/17 @ 2pm, all counsel/dfts with exception of two excused to appear. Adjourn. 3:48

☐ Government presents evidence.  
☐ Government rests.  
☐ Defendant makes Motion for Judgment of Acquittal.  
Court ☐ grants ☐ denies ☐ takes under advisement.  
☐ Defendant presents evidence.  
☐ Defendant rests.  
☐ Defendant renews Motion for Judgment of Acquittal.  
Court ☐ grants ☐ denies ☐ takes under advisement.  
☐ Rebuttal evidence.  
☐ Surrebuttal evidence.  
☐ Closing Arguments.  
☐ Jury Instructions given to Jury.  
☐ Objections to Jury Instructions by U.S.A and/or Defendant.  
Court ☐ overrules ☐ grants.  
☐ Jury retires to deliberate at Time retired.  
☐ Jury returns at Time returned.  
☐ Jury Verdict: Verdict?  
☐ Jury polled. ☐ Polling waived.  
☐ Mistrial declared. ☐ Jury discharged.

☐ Motions after verdict:  
☐ Sentencing set for \_\_\_\_\_.

- ☐ Court orders Presentence Report.
- ☐ Defendant remanded to custody.
- ☐ Defendant to remain on bond.

Additional Information:

Court addresses parties outside presence of jury. Court addresses pending motion 904 – no objections from any party – court will enter written order. Court addresses pending motion 924 – US states none of those witnesses mentioned in the motion are going to be called as witnesses by the govt. Dft 4 responds – issue is that the discovery hasn't been turned over, asks that no cooperating witness be called until that GJ testimony has been turned over. Court asks why state GJ material not produced. US states inadvertent omission, witnesses not being called, testified in federal GJ which the dfts have and that is consistent with the state GJ testimony. These witnesses corroborate that of a co-dft who will testify today. US will bring copies for defense counsel, and email same, later this morning. Dft 4 asks that this testimony be delayed until tomorrow so that defense can review collectively. Court directs this discovery be produced right away. Court asks each defendant if fully satisfied with advice and representation of counsel – all defendants state that they are. Court will re-swear jury. US asks that no mention of 927 until ruled on – court responds that the motion will be denied by written order (forthcoming). Mr. Cook asks that the court asks the jury daily at the start of trial about media, research, etc. US concerned with pressure on jury with individual answers. Mr. Kowalczyk registers concern. Jury enters courtroom 9:47 Venire sworn. Court asks jurors about media – none have read, researched on media.